

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, SEPTEMBER 2, 2003.

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Brad C. Rosenberger
Carolyn S. Smith

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Rev. John Miller, Pastor, Alum Spring Baptist Church, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Chase led the members of the Board and audience in the Pledge of Allegiance to the Flag.

RE: AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator asked that the following changes be made to the agenda:

Remove item #3, **RE: RAPPAHANNOCK RIVER BASIN COMMISSION WATER SUPPLY PLANNING PROJECT** (rescheduled to October 7, 2003).

Add to the **CLOSED SESSION** agenda:

6. Under *Virginia Code* §2.2-3711(A)(3), to consult with the County Attorney regarding consideration of the acquisition of real property by the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Mr. Chase questioned why documentation for agenda item #4 was not included in the meeting materials. He said he liked to have the opportunity to read and study a document prior to a meeting and suggested the item be postponed until the October meeting.

Mr. David Maddox, County Attorney, informed Mr. Chase that there was no documentation for item #4 except two letters from the Culpeper County Humane Society dated

August 28th and August 21st, both of which provided a list of topics for the informational briefing, but no backup documentation.

Mr. Bossio expressed his concern that when staff met with the Humane Society on August 21st, the list of topics for the informational briefing was to be used to describe the positive effect that the Humane Society had on the community and the Animal Shelter, but the items listed in the August 28th letter included additional topics that might need to be referred to the Rules Committee.

Mr. Coates stated that the County Administrator had met with the Humane Society and they agreed that certain items would be discussed. Mr. Bossio said he had no issue with the August 21st list for the informational briefing, which required no preparation on the Board's behalf.

Mr. Maddox agreed with the County Administrator that the information provided was informational background and may be beneficial for the Board to hear, but budgetary and organizational recommendations would need to be referred to the Rules Committee for discussion and recommendations to the full Board.

Mr. Coates stated that with the Board's concurrence, the Humane Society's informational comments would be heard, and the additional items in the August 28th letter would be referred to the Rules Committee. There were no objections.

Mr. Coates asked that a **Discussion of Route 677, Beverly Ford Road** be added to the agenda. He noted that Mr. Donald Gore, VDOT Resident Engineer, was present and asked that the item be heard as item #3 to accommodate Mr. Gore's schedule.

Mr. Chase asked that a discussion regarding **Naming of a Bridge on Route 647** be added to the agenda as item #3A.

Mrs. Smith moved, seconded by Mrs. Hansohn, to amend the agenda accordingly.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the August 5, 2003 regular meetings were presented to the Board for approval.

Mr. Walker moved, seconded by Mr. Chase, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

a. The Board will consider approving acceptance of and appropriation of a grant for the Sheriff's Office from the Department of Criminal Justice Services (DCJS) to be used for law enforcement equipment and crime prevention in the amount of \$5,339 (local match of \$1,585 from the Sheriff's operating budget);

b. The Board will consider approving a budget amendment for the Sheriff's Office for funds received from an anonymous donor in the amount of \$5,000 for police supplies and an awards banquet;

c. The Board will consider approving a budget transfer to the Department of Environmental Services/Building & Grounds from the Library in the amount of \$16,400 for the purpose of paying Service Master for janitorial services through a centralized budget line item from the Department of Environmental Services/Buildings & Grounds.

d. The Board will consider approving an appropriation of a grant for the Department of Emergency Services from the Department of Justice grant funds in the amount of \$40,988.09 to be used to purchase Emergency Response Equipment for bio-terrorism (no local match required);

e. The Board will consider approving a grant application for the Department of Emergency Services from the Office of Domestic Preparedness State Homeland Security Grant Program in the amount of \$120,881 for First Responder Preparedness (no local match required)

f. The Board will consider awarding the Financial Advisory Services Contract to Davenport and Company, LLC.

g. The Board will consider awarding the professional consulting services to update the County's Emergency Operations Plan to Howlett & Associates.

Mr. Maddox, County Attorney, informed the Board that item f. was a five-year contract and recommended that it be considered favorably because of the major projects that the County would be facing in the upcoming years. He stated that the draft contract before the Board was complete in terms of scope of services, term of the contract, and compensation, but minor items were still under negotiation.

Mr. Bossio noted that item g. was to award a contract to update the County's emergency operations plan to Howlett & Associates not to exceed \$7,125.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the Consent Agenda as presented.

Mr. Rosenberger asked if other vendors were involved in the selection process for item f., the Financial Advisory Services Contract. Mr. Bossio assured him there were two other vendors involved and that established selection procedures were followed.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

RE: RAPPAHANNOCK RIVER BASIN COMMISSION WATER SUPPLY PLANNING PROJECT (rescheduled to October 7, 2003)

RE: DISCUSSION OF ROUTE 677, BEVERLY FORD ROAD

Mr. John C. Egertson, Planning Director, informed the Board that the contractor building the runway at the Airport also had a contract with VDOT for routine pavement overlay on Beverly Ford Road for sometime in October, which would end just beyond the entrance to the Airport. He said that staff had talked with the contractor regarding the possibility of paving beyond the current end of pavement to at least the entrance to the Airport hangars and, possibly, to the entrance of the Civil War Trust site. He noted that the total distance to the Civil War Trust entrance was 1600 feet, and the contractor agreed to lay pavement over the existing gravel road for an estimated \$14,000 for the entire 1600 feet. He said he had asked the contractor for a formal proposal and, in preparation for that, VDOT indicated that a pave-in-place rural-type road could not be done if it were not on the Six-Year Road Plan and that the road would have to be built to VDOT standards. He stated that building the road to VDOT standards would cost \$34,985 from the entrance to the Airport hangars, and approximately \$47,120 from the entrance of the Airport to the Civil War Trust entrance. He asked for the Board's guidance regarding which direction to take.

Mr. Chase asked if the Civil War Trust had been contacted. Mr. Egertson replied that he contacted them several months ago, but he did not get a positive response regarding a financial contribution to cover paving the road to their entrance.

Mr. Coates asked Mr. Egertson about the level of utilization of the road between the last entrance to the Airport and the Civil War Trust property. Mr. Egertson replied that it could be fairly significant because it would be the main point for tourists, where there was a parking area for buses and the starting point for tours. He explained that he would prefer that the road be paved, at least to the hangar entrance to avoid having gravel work its way onto the hangar area and eventually onto the taxiway.

Mr. Coates asked Mr. Gore if he had any additional comments. Mr. Gore explained that VDOT was not willing to put asphalt on that pavement because it would create

maintenance problems. He stated that if the County wished to pave that road, it would require the County to pass a resolution identifying the road as a rural rustic road and also pass a resolution that the County would patrol the road beyond that area.

Mr. Walker asked if there was anything that VDOT could do to assist the County with the project. Mr. Gore stated that VDOT could not assist since the Six-Year Plan was really a twelve-year plan, but they could help some on the engineering.

Mr. Coates stated that in discussions with the County Administrator, it appeared this was the appropriate time to pave this road since there was a contractor on site willing to do the work for a minimum amount and it would be a benefit to the County, as well as to the Civil War Trust.

Mrs. Smith expressed her concern regarding the gravel working its way off the road and onto the runway. She said that the length of the runway had been extended in order to accommodate corporate jets coming in/out and she wanted to maintain safety for those jets due to the economic benefits to be gained, but she would not approve the \$47,000 amount.

Mr. Coates stated that the only option available was the \$47,000 due to VDOT standards. He pointed out that in overlaying a road to the Airport entrance and then tapering the pavement width that could not accommodate two-way traffic was also a safety issue.

Mrs. Smith pointed out that at the time the Board acted upon a turn-around for the Civil War Trust entrance, several citizens who lived at the end of Route 677 spoke during the public hearing to express concern about an increase in traffic. She said that the citizens who lived at the end of Route 677 should have some input before the Board makes its decision.

Mrs. Hansohn stated that the Civil War Trust needed to be contacted and given the option of having their portion paved at the same time.

Mr. Lee moved, seconded by Mrs. Hansohn, to move forward with the project as planned and send a letter to the Civil War Trust to encourage them to proceed with some type of cost sharing to pave the road to the entrance of their property.

Mr. Rosenberger inquired about the source of funding for the project. Mr. Bossio stated it would have to be a transfer from the General Fund.

Mrs. Hansohn asked if there were any funds left in the economic development budget. Mr. Bossio stated he would look at the Airport budget to see if there were any capital monies left from hangar construction and, if not, funding would have to come from the General Fund. He said he was not prepared to discuss that amount of funding at this point.

Mr. Rosenberger asked for clarification on where the road was going to stop and how far the County was willing to go if the Civil War Trust was not willing to participate.

Mr. Egertson explained that it would cost \$34,985 to pave from the entrance to the Airport to the hangar entrance, and it would cost approximately \$12,000 extra to pave from the hangar entrance back to the Civil War Trust entrance, for a total of \$46,985.

A lengthy discussion ensued regarding the scope and intent of the motion and the pros and cons of paving a portion of the road versus paving the entire road.

Mr. Bossio summarized the issue by stating that the original intent was to obtain an estimate from the contractor to pave the road from the entrance to the Airport to the entrance to the hangars because the contractor and his equipment were already on site. After the contractor quoted the \$14,000 price, the VDOT standard problem arose. He said that subsequently staff contacted the Civil War Trust to see if they wished to partner with the County and extend pavement all the way to their entrance for the economic development benefits. He stated that the original intent was to pave to the hangar entrance for safety reasons, not just for the jet airplanes but for all the other airplanes.

Mr. Lee amended his original motion to move forward with the project and that the issue be referred to the Rules Committee to determine the scope of project and funding source.

Mrs. Smith inquired how soon an answer would be needed from the Board. Mr. Coates stated that it would have to be decided by the October meeting in order to take advantage of and coincide the contractor's work for VDOT. Mrs. Smith noted that would allow time for the staff to go back to the Civil War Trust and ask for their participation.

Mr. Rosenberger cautioned the Board about making a decision in haste. He stated that he did not know of any road that the County had paved for the Commonwealth of Virginia during his tenure on the Board. He felt it would be prudent to postpone the issue for 30 days in order to obtain additional information and allow time for the Board to review that information.

Mr. Coates asked Mr. Lee to restate his motion.

Mr. Lee stated he would defer to Mrs. Peggy Crane, Deputy Clerk.

Mrs. Crane stated that Mr. Lee's amended motion was to move forward with the project and to refer the matter to the Rules Committee to determine the scope of project and funding source.

Mrs. Hansohn pulled her second to the motion. She said she preferred that the issue be postponed for 30 days and sent directly to the Rules Committee for recommendations.

Mr. Coates announced the motion died for lack of a second. He said the proposal would be sent to the Rules Committee and staff would contact the Civil War Trust to obtain their input. He suggested that Mr. Gore be invited to attend the Rules Committee meeting.

Mrs. Smith requested that an invitation be sent to the property owners in that area since they would be directly impacted.

RE: NAMING OF A BRIDGE ON ROUTE 647

Mr. Chase stated that the Hawkins family had worked hard and donated the land to build a bridge on Route 647, and he felt it would be a fitting tribute to the Hawkins family to name the bridge after them.

Mr. Chase moved, seconded by Mr. Walker, to name the bridge on Route 647 the "Hawkins Bridge".

Mr. Gore stated that a formal resolution would be required from the County. Mr. Egertson stated that he would research the *Code* because he felt that a public hearing would be required, as well as a resolution. He suggested that the action today should result in a public hearing and a resolution at next month's meeting.

Mr. Chase stated that was an acceptable addition to the motion. Mr. Walker agreed.

Mr. Coates stated a public hearing would be held at the October 7th meeting.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

RE: INFORMATIONAL BRIEFING

Mr. Coates stated that the discussion would be limited to the items listed in the Humane Society's August 21st letter and the other issues would be referred to the Rules Committee.

Ms. Denise Masters, Jefferson District, distributed a packet to the Board members and introduced Mrs. Janet Bennett, Executive Director of the Humane Society, and Mr. Jim Tredway, Humane Society member. She stated that the briefing was not about the July 24th incident, but was to provide background information to the Board. She informed the Board that the Culpeper County Humane Society (CCHS) considered the handout to be a living document and would be updated as needed.

Mrs. Janet Bennett, Director of CCHS and a resident of Madison County, provided information regarding her background, her work with the Orange County Humane Society, and her efforts in establishing a similar organization in Culpeper County in late 2000. She stated that it was important for the Board to know that the members of the CCHS did not feel that every animal at the shelter was adoptable. She explained their off-site adoption program for dogs and cats at Pet Smart and noted that volunteers went to Fredericksburg, Manassas, and Fair Lanes every weekend. She reported that there were direct expenses incurred in

preparing the animals for adoption, such as testing, spading/neutering, vaccinations, free certificates for future spading/neutering of young animal, etc., and the adoption fees did not cover all of their expenses. She pointed out that the CCHS was required to pay the County \$25 for each animal adopted, which came to approximately \$3000 per month during the peak adoption season and their monthly vet expenses averaged \$4,000–\$5,000. She stated that the CCHS provided volunteers to man the shelter when it would normally be closed on holidays to do adoptions only and on Wednesday during the spring and summer to keep the shelter open from 5:00 to 7:00 p.m. for adoptions. She gave details about other contributions the CCHS made to the shelter, such as providing equipment and starting the Spray/Neuter fund to provide financial assistance to County residents to have their pets spayed/neutered. She asked that the Board consider donating the \$25 adoption fee that CCHS pays to the County to go into the Spay/Neuter fund.

Mr. Tredway, Rappahannock County resident and CCHS member, stated he had been involved in animal rescue work for the last 12 years in other parts of Virginia and in North Carolina and now served on the Board of the Rappahannock County Welfare League. He praised the work of the CCHS at the shelter and, in particular, at the Pet Smart stores every Saturday and Sunday, which involved preparation and transportation of the animals. He pointed out that the CCHS had each animal spayed/neutered, vaccinated, and tested because it enabled the CCHS to take the animals out of the jurisdiction and adopt them to a wider range of people. He stated he had not seen any other group that would put the money into the animals knowing that a certain percentage of them would wind up being euthanized because of the population demands. He said the 47 percent adoption rate was higher than most jurisdictions in Virginia, and the adoption rate for dogs alone was 60 percent.

Mr. Tredway stated that the CCHS was giving consideration to determine whether to propose that the County consider contracting out the operation of the animal shelter to the Humane Society as done in many other jurisdictions in Virginia, such as Rappahannock and Warren Counties. He said that Animal Control would remain separate and completely under County control, but the actual operation of the shelter would be under contract to the Humane Society.

Mr. Tredway said that the CCHS was working to bring the shelter back up to utilizing the vast majority of the space for animals. He felt that using a maximum of 20 of the 40 kennels at the shelter was an underutilization of the shelter, and they were working toward using 30 kennels this week and eventually increasing that number. He described in detail the methods to adequately clean and dry the dog kennels and pointed out that the State Veterinarian had suggested that the dog be tied to the outside door of the kennel while the

kennel was being washed and dried. It was definitely prohibited by law to have a dog standing in water or to hose down the kennel while the dog was inside. He noted that when the State Veterinarian inspected the shelter in April 2003, she found the cleaning to be adequate at the shelter, but she was concerned about the food not being on raised pallets in the storage room and the cracks in some of the floors of the dog kennels. In her follow-up letter, she stated that she would return in 30 days and mentioned for the first time that there was a possibility for civil penalties for violations due to recent changes in the law. He said that 30 days later in May, the State Veterinarian found that an effort had been made to deal with the problems, but the storage area was still a problem and the cracks in the floors of the dog runs had not been addressed, but no mention of the animals or the cleaning. After a subsequent visit, the State Veterinarian wrote the July 10th letter that cited the same problems with the cracks and storage room, as well as a problem with cleaning in the cat room due to every cage being full. He said she also commented that she found several dog runs that were wet and a few others that had excessive hair.

Mr. Chase stated he did not represent the entire Board but he would like to know why the Humane Society went to the newspapers and not to the County who built, owned and operated the shelter. Mr. Tredway stated he could not answer the question, but it seemed that everyone went to the newspaper.

Mrs. Bennett stated that when the CCHS met at the Animal Shelter with Mr. Bossio and shelter staff, Allison Brophy from *Culpeper Star-Exponent* was in attendance.

Ms. Masters thanked the Board and stated she would be happy to answer any questions. She agreed with Mr. Tredway that the County has a good program and a fabulous reputation at the shelter.

Mrs. Hansohn asked if the CCHS had a foster care program to handle an overflow of animals at the shelter.

Ms. Masters stated there was a foster program in place and there were some limitations on the program, such as allowing only two fostering events per person or household.

Mr. Chase mentioned that there was a wonderful program where dogs could be sent into prisons and have the prisoners train them, but he did not know if Virginia had such a program. Ms. Masters stated that Virginia did have such a program.

Mr. Coates thanked the members of the CCHS for coming and providing information and stated that the Rules Committee would review the issues.

Mr. Coates recessed the meeting at 11:20 a.m.

Mr. Coates called the meeting back to order at 11:35 a.m

RE: CULPEPER DISTRICT SIX-YEAR IMPROVEMENT PROGRAM PUBLIC HEARING

Mr. Egertson informed the Board that VDOT had scheduled a public hearing on October 7th on funding allocations for primary roads, and the meeting would probably be held at the High School and not Brandy Station as previously announced. He stated that VDOT wanted to set the hearing in the fall of each year so that the Commonwealth Transportation Board would have more time to formulate a final road plan. He noted that the date VDOT set conflicted with the Board's October 7th meeting date, but staff would have an opportunity to attend the meeting sometime between 5:00 and 7:00 p.m. to express the County's priorities for primary roads. He stated that he proposed to present the adopted primary road list that was presented to the Board in the spring of this year as: Priority #1 – Route 3; Priority #2 – Interchange at Route 29 Bypass and Route 666 intersection; Priority #3 – Four-laning of Route 15/29 Business from the Town limits to Inlet; and Priority #4 – Widening Route 229 from the Town limits to Catalpa.

Mr. Coates stated that he understood that VDOT was going to split Priority #3 into two projects. Mr. Egertson stated that was his understanding also. Mr. Coates said that the County had received a proffer of approximately \$400,000 for improvements to that road, and he felt that to avoid having to build a portion and then reconstruct it, the project should merit some consideration from VDOT, especially Phase 1 to take it just past Southern States.

Mr. Egertson stated he would make that issue known to VDOT in his presentation on October 7th. He said it was a situation where the Lowe's Home Improvement Store had escrowed \$450,000, and that money had been deposited in the bank for the project. He noted that it would pay for a good portion of the first segment, and it would make sense if VDOT would advance that portion ahead of the rest of the project.

Mr. Coates noted that the conflicting time of VDOT's meeting with the Board's regular meeting date was discussed, but the date had been set in concrete and VDOT was not willing to change the date. He pointed out that all of the counties in the District had previously attended these meetings to make comments, and Culpeper County was not the only county that was having a meeting on that day.

Mr. Gore informed the Board that the meeting had been set up by the Secretary of Transportation.

Mr. Walker asked whether it would be beneficial to change the order of priority of #3 or to break the project into 3A and 3B to be consistent with what VDOT was planning to do.

Mr. Egertson agreed that it would might make sense to split #3 into project 3A and 3B, but he did not think it should be moved ahead of project #2, the Route 29 Bypass/Route 666

Interchange project. He did not think that keeping the priorities the same would have any detrimental impact on the first section of Route 15/29 Business being done.

Mr. Coates asked whether there would be Federal participation in the project since Route 29 was a Federal highway. Mr. Gore replied that it would be funded by the State.

Mr. Walker moved, seconded by Mr. Lee, to split item #3 into 3A and 3B to represent VDOT's plan for that particular project.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

COMMITTEE REPORTS

TOWN/COUNTY INTERACTION COMMITTEE/AUGUST 27, 2002/7:30 A.M.

Mr. Bossio stated there were no action items to bring forward to the full Board.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Economic Development Director, provided the following report:

1. He recognized the importance of Business 29/15 in the Lowe's area because there would be activity in that area quickly. Lowe's has broken ground and is looking for an early 2004 opening.
2. There would be a public hearing at the Board's evening meeting on amending the Taxation Ordinance to allow for reimbursements for employee training in certain businesses.
3. Contact had been made with a representative of Congressman Cantor's office about Culpeper's losing one of the Census tracts under the SBA HUB Zones and to determine what steps to take to regain the designation.
4. The Economic Development Advisory Committee did not meet due to vacation schedules, but planned to meet in September.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met on August 13, 2003, and he was not present. He noted from the minutes that there were no action items to bring forward to the Board.

ADMINISTRATOR'S REPORT

Mr. Bossio reported that:

1. He needed to have suggestions from Board members regarding the date to hold the Strategy Planning Session and suggested September 18th, 19th, 26th, October 3rd, 4th, 10th, 24th and 31st. He stated that he planned to meet with staff on September 5th to prepare, and he would like schedule the session prior to the end of October.

2. The BOS/School Board Work session would be held on September 11, 2003, at 7:00 p.m., in the Library Meeting Room.

CLOSED SESSION

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider (A) prospective candidate for appointment to the Agricultural Resource Advisory Committee.
2. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), to consult with the County Attorney to consider performance of a specific department with regard to probable litigation by non-employees.
3. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), to consult with the County Attorney to consider performance of a specific department with regard to probable litigation by employees.
4. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), to consult with the County Attorney concerning enforcement of various County Zoning Ordinances against a specific County landowner and its relation to other potential developments.
5. Under *Virginia Code* §2.2-3711(A)(7), to consult with the County Attorney regarding probable litigation against a County Ordinance.
6. Under *Virginia Code* §2.2-3711(A)(3), to consult with the County Attorney regarding consideration of the acquisition of real property by the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Nay – Chase

Motion carried 6 to 1.

Mr. Coates called for recess at 11:45 a.m. for lunch break and informed the Board that the Board would reconvene at 1:15 p.m. for closed session.

The Board reconvened at 1:15 p.m. for closed session

The Board returned to open session at 3:00 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business

matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase was not present for closed session.

Ayes - Walker, Lee, Coates, Smith, Rosenberger, Hansohn

Absent – Chase

RE: APPOINTMENT TO AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Walker moved that Gary A. Dowell be appointed to serve on the Agricultural Resource Advisory Committee. Seconded by Mrs. Smith.

Mr. Coates called for voice vote.

Ayes - Walker, Lee, Coates, Smith, Rosenberger, Hansohn

Absent – Chase

Motion carried 6 to 0.

RE: GEORGE WASHINGTON CARVER PIEDMONT TECHNICAL EDUCATION CENTER

Mr. Walker moved to move forward with the buy-out of Orange, Madison and Rappahannock Counties for the George Washington Carver Piedmont Technical Education Center at an amount of \$71,125 per each county per the terms negotiated by the County Administrator. Seconded by Mrs. Smith.

Mr. Coates called for voice vote.

Ayes - Walker, Lee, Coates, Smith, Rosenberger, Hansohn

Absent – Chase

Motion carried 6 to 0.

Mrs. Smith asked that the Board make its plans for the Tech Center available at a Board meeting in the near future, for general public information. Mr. Coates asked that it be scheduled for the next Board meeting.

ADJOURNMENT

Mrs. Smith moved, seconded by Mrs. Hansohn, to adjourn at 3:58 p.m.

Mr. Coates called for voice vote.

Ayes - Walker, Lee, Coates, Smith, Rosenberger, Hansohn

Absent – Chase

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman
Culpeper County Board of Supervisors

ATTEST:

Frank T. Bossio
Clerk to the Board

APPROVED: October 7, 2003

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY,
SEPTEMBER 2, 2003.

Board Members Present: John F. Coates, Chairman
 Steven L. Walker, Vice-Chairman
 William C. Chase, Jr.
 Sue D. Hansohn
 James C. Lee
 Brad C. Rosenberger
 Carolyn S. Smith

Staff Present: Frank T. Bossio, County Administrator
 J. David Maddox, County Attorney
 John C. Egertson, Planning Director
 Sam McLearen, Zoning Administrator
 Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 pm.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda. He asked those individuals, who would be addressing the Board, to limit their comments to three minutes.

Ms. Kay Kirkland, East Fairfax District and member of the Humane Society Board of Directors, addressed the Board regarding recent issues at the Animal Shelter. She discussed

in detail the behavior, management and direction at the Animal Services Department and stated that she felt that Department was failing County government and the taxpayers.

Mr. Coates announced that representatives from the Humane Society appeared before the Board of Supervisors at its morning meeting and the Board referred the matter to the Rules Committee.

Ms. Elizabeth (last name inaudible), Jefferson District, expressed concern with the present management at the Animal Shelter and felt that management should be reviewed and changed. She offered to work with the Board of Supervisors in an effort to resolve the problems and asked the Board to familiarize themselves on animal welfare issues. She felt that an Advisory Committee, chartered and appointed by the Board, would be beneficial to address and resolve animal welfare issues, and the committee should include a cross section of the community. She referenced a question asked by Mr. Chase at the morning session regarding why the Humane Society had not come to the Board of Supervisors first before going to the newspaper. She stated that it was not important how the incident was publicized, but it was of wide interest as evidenced by the number of individuals present. She reviewed the visits by the State Veterinarian to the Animal Shelter over a three-month period and stated that suggested improvements had not been done.

Mr. Aaron Greso, West Fairfax, asked that a copy of the Zoning Ordinance be placed in the County Library for public use. He stated that he had developed a plan that would assess the issues at the Animal Shelter and address how to proceed.

Ms. Denise Masters, Jefferson District, stated she felt there were some necessary rebuttals to Mr. Bossio's comments made at the conclusion of last month's Citizen Forum. She said that the numbers used by Mr. Bossio seemed to be overwhelming, but they showed that the adoption percentage rate for the County was very high. She addressed the design of the Animal Shelter and pointed out that it had not been approved by The Humane Society of the United States, but was designed with guidelines that were very general and not specific. She stated that in her recent conversation with Dr. Kellner, Virginia Regional Veterinarian, she learned that Dr. Kellner did not approve nor disapprove of the Shelter plans. She further stated there were not 78 dogs in the Shelter at the time of the euthanasia incident, but that there were 78 dogs on the books. She noted there were not any written warnings from Dr. Kellner regarding overcrowding and penalties in association with overcrowding, but there were only warnings about the cracks and pallets.

Faith Beahm, East Fairfax, stated that she felt the Animal Shelter was not being properly managed and the problem should not be ignored. She related to the Board several negative comments she had heard from various sources regarding the Animal Shelter.

Tom Lewis asked for the names of the members of the Rules Committee so comments could be made directly to them.

Mr. Coates asked Mr. Walker to identify the individuals that sat on the Committee. Mr. Walker responded that he served as Chairman and Mr. Coates and Mr. Chase were members of the Committee.

With no further comments, Mr. Coates closed the Citizen Forum at 7:18 p.m.

Mr. Coates called for recess at 7:20 p.m.

Mr. Coates called the meeting back to order at 7:21 p.m.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mr. Walker moved, seconded by Mr. Lee, to approve the agenda as published.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

PUBLIC HEARINGS

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN ORDINANCE TO ADD CHAPTER 10-B, TO BE ENTITLED "PARKS AND RECREATION" TO THE COUNTY CODE

Mr. John Barrett, Director of Parks & Recreation, informed the Board that the purpose of the policy was to offer park facilities and other amenities to the public for safe, wholesome and enjoyable activities pursuant to policies, rules and regulations that would assist the implementation of the intent and to ensure the benefits to the general public.

Mr. Maddox, County Attorney, said the proposed ordinance had been properly advertised and was ready for Board consideration.

Mr. Coates opened the public hearing and called for public comments.

There were none.

Mr. Lee moved, seconded by Mrs. Hansohn, to approve the Ordinance to add Chapter 10-B, "Parks and Recreation", to the County Code.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 12 (TAXATION) TO BE ENTITLED

"PARTNERSHIP FOR ECONOMIC DEVELOPMENT AND JOB TRAINING" TO THE COUNTY CODE

Mr. Frank Bossio, County Administrator, said that the purpose of the proposed ordinance was to provide financial incentives to eligible businesses that invest at least \$500,000 in new capital improvements and/or equipment to provide qualifying employee training expenses. He stated that incentives would originate from a portion of the new taxes paid on the improvement of the equipment purchase. He said the proposed ordinance was developed in coordination with the Chamber of Commerce and a number of businesses in the community.

Mr. Coates opened the public hearing and called for public comments.

Mr. Todd Ross, representing the Chamber of Commerce and the Business Development and Assistance Committee, read a letter into record supporting the proposed ordinance. The Committee felt the proposed ordinance would be an incentive to generate additional income for the County, would not reduce existing revenue, and would benefit businesses and their employees by providing additional training. He said that the Committee offered the following suggestions for future consideration: (1) Expand Section 12-186, Eligible Training Expenses, to include additional training expenses pertinent to existing businesses operating in the County, which would eliminate the need for businesses to spend valuable time waiting for approval for reimbursement for an unlisted training expense; and (2) utilize the County Economic Development Advisory Committee in the application review process. He said that the adoption of the ordinance would be a good start toward providing opportunities for new businesses to locate in the area and for existing businesses to prosper and be successful. He thanked the Board on behalf of the Chamber for its continued effort in making Culpeper the business community of choice in Virginia and encouraged the Board to adopt the proposed ordinance.

With no further public comments, Mr. Coates closed the public hearing.

Mrs. Hansohn commented that not only would this action be an enticement to new businesses to locate in the County, but it would also provide training for citizens who would not ordinarily receive training.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the proposed ordinance.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

CASE NO. Z-384-03-1. Request by Angler Broadlands, LLC to rezone 17.63 acres from R-3 (Residential) to VC (Village Center Commercial). The property is located on Routes 694 and 229 in the Catalpa Magisterial District. The Culpeper County Comprehensive Plan designates this area for low-density residential development. Tax Map/Parcel No. 41/54F.

Mr. Sam McLearen, Zoning Administrator, read a letter into record from the applicant requesting a 30-day postponement to allow time to further review the request.

Mr. John Egertson, Planning Director, displayed a copy of the tax map highlighting the location of the property of the proposed zoning and stated that the package included proffers. Staff had no objections to the postponement and recommended that the Board honor the applicant's request and postpone for 30 days.

Mr. Butch Davies, Attorney representing the applicant, reported that his discussions with Dr. Cox and the impact the request would have on the area led to the request for postponement. He said his applicant agreed with the postponement.

Mr. Coates said that since the case had been advertised for a public hearing, he would open the public hearing and call for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mrs. Smith, to approve the request and postpone the request for thirty (30) days.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. Z-385-03-1. Request by Leroy and Ronda Byler to rezone 10 acres from A-1 (Agricultural) to LI (Light Industrial). The property is located on Route F715 in the Stevensburg Magisterial District. Tax Map/Parcel Nos. 34/69, 70, 70A, 70C.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the request to be consistent with the Comprehensive Plan. He said that the Planning Commission was recommending to the Board of Supervisors that the rezoning request be approved in accordance with the proffers submitted.

Mr. Egertson displayed a copy of the tax map that highlighted the property being considered for rezoning and informed the Board that two parcels east of the property were zoned commercial. He said the Planning Commission had considered the request and delayed one time pending the results of a traffic study. The traffic study was completed and VDOT has recommended approval along with the following proffers:

1. The existing four parcels will be reconfigured so that no single parcel will contain more than one zoning classification within its boundaries;
2. Site development on the 10.0 acres of LI zoning shall incorporate Virginia Department of Transportation requirements for commercial entrances;
3. Development of the 10.00 acres of LI zoning shall comply with Article 30 of the Culpeper County Code (Entrance Corridor Overlay District); and
4. The permitted uses under Article 7.1A-2-2.3 and the conditional uses under Article 7.1A-2-3.6 shall not be allowed on the 10.00 acres of LI zoning.

Mr. Egertson informed the Board that the applicant's intent was to use the property for a mini-warehouse storage and the property was located on a service road off Route 29 in an area designated for industrial development. He stated that the request was recommended for approval with the proffers and was ready for the Board's consideration.

Mr. Leroy Byler, applicant, asked for the Board's favorable consideration.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2012-03-1. Request by Pete and Jane Elliott for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 675 in the Stevensburg Magisterial District and contains 2.17 acres. Tax Map/Parcel No. 44/16F.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be inconsistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be denied.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property being considered. He informed the Board that the parcel was small, containing only 2.17 acres, and had an existing structure located on the property. He said the structure had been constructed without a building permit and did not have a drainfield or a drainfield site that could be approved by the Health Department. The application was for an alternative-type

system, but the site did not have an adequate discharge point, and was recommended for denial.

No one was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and deny the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2016-03-1. Request by John Leary for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 647 in the Cedar Mountain Magisterial District and contains 81.31 acres. The system is proposed to serve a five (5) acre family division lot. Tax Map/Parcel No.75/22D.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for a period of five (5) years.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property being considered. He explained that the request would permit the creation of a five-acre family-division lot based on a discharging system, and the five-acre lot would have direct access to an acceptable stream site. He stated that system had been verified by the Health Department, and the request was recommended for approval.

John Leary, applicant, was present to represent his case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mrs. Hansohn, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2017-03-1. Request by Michael and Kathy Garrett for approval of a use permit for the construction of a tenant unit. The property is located off Route 37 on Gibson Lane in the Stevensburg Magisterial District and contains 6.00 acres. Tax Map/Parcel No. 66B(1)/1.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be inconsistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be denied.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the six-acre parcel recently created via family division. He said the applicants would like to create another family partition to accommodate one of their daughters, which could rightfully be done under the Code. He said the request was for a tenant unit, which would allow an additional dwelling for another daughter – accommodating one daughter through a regular family division and one through the use permit process. He noted that the Planning Commission's objection was based upon the fact that only three lots could be created every five years under the County Code. He said the tenant unit would allow for a fourth house, and could potentially be divided after the five-year waiting period. He said that both the Planning Commission and staff believed that to allow the fourth house immediately would be a circumvention of the Ordinance, and it was for that reason it was recommended for denial.

Mrs. Hansohn inquired if at sometime in the future, after a certain waiting period, the applicant could develop the lot more. Mr. Egertson replied that they could do another division after five years.

Mr. Michael Garrett, applicant, informed the Board that he and his wife were trying to get the family together. He said that he bought the six-acre parcel from his son one year ago, and now their daughters would like to reside on the property. He stated that there was no medical emergency, and stressed that he did not intend to give the impression that he was trying to circumvent the law. He said he and his wife were going to build a house for one daughter on their land, and their son was going to sell a parcel of land to the other daughter. He agreed that there would be three houses going up within a short period of time. He asked for the Board's assistance.

Mr. Coates opened the public hearing and called for public comments.

Aaron Greso, West Fairfax, asked whether the request was for three houses on six acres. Mr. Coates advised him that his inquiry would be addressed after the public hearing.

With no further comments, Mr. Coates closed the public hearing.

Mr. Egertson informed Mr. Greso that the parent tract was bought by the applicants' son originally as one parcel, and the son created a six-acre parcel upon which Mr. and Mrs. Garrett built their house. He pointed out that the Garretts intended to create another parcel for one daughter from the son's parcel, creating a total of three lots off the parent tract, which was

the limit within a five-year period. He said that the fourth house would then come off a separate tract, resulting in two houses on approximately six acres and two houses on approximately 12.4 acres.

Mr. Chase stated that he did not see a problem in approving the request and cited numerous problems he was having in his District with industrial activities in residential areas. He said he would support the applicants' request in order to get their family together.

Mr. Chase moved, seconded by Mr. Walker, to approve the use permit to allow for the construction of a tenant unit.

Mrs. Hansohn stated that the County had ordinances in place that should be followed. She felt that once the Board waived these rules for one, it would have to do so for all. She pointed out there was no medical hardship involved, and she could not support the request.

Mr. Coates stated that he sympathized with the family, but he could not support the case. He said that he agreed with Mrs. Hansohn's comments and noted that exceptions were made for hardship cases.

Mr. Rosenberger concurred with Mr. Coates' comments. He stated that one of the reasons the change was made in the ordinance was because so many people were creating substandard subdivisions under the family partition ordinance.

Mr. Coates called for voice vote.

Ayes - Chase, Lee, Walker

Nays – Coates, Hansohn, Rosenberger, Smith

Motion failed 4 to 3.

Mr. Rosenberger moved, seconded by Mrs. Hansohn, to accept the Planning Commission's recommendation to deny the use permit.

Mr. Coates called for voice vote.

Ayes -Coates, Hansohn, Rosenberger, Smith

Nays – Chase, Lee, Walker

Motion passed 4 to 3.

Mr. Chase questioned whether a motion to approve was necessary under Robert's Rules of Order. Mr. Maddox stated that he recommended to the Chairman that the second motion be made. He did not know if it was necessary, but he did feel that it was appropriate in this case.

CASE NO. U-2018-03-1. Request by Michael and Leslie Bremigan for approval of a use permit for the construction of a tenant unit. The property is located on Route 613 in the Jefferson Magisterial District and contains 13.48 acres. Tax Map/Parcel No. 2/23C.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved subject to the following conditions: (1) The livable floor space in the tenant unit shall not exceed 75 percent of the square footage in the primary dwelling; and (2) the unit may be occupied by an immediate family member of the property owner or may be utilized as a guesthouse. Rental of the unit is prohibited.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property. He stated the property was zoned residentially and the applicant planned to build a second dwelling on the approximately 13-acre parcel to accommodate a parent. He stated the unit would be built to the rear of the parcel, and the applicant did not desire to subdivide, although that would be an option. He said that staff found no problems with the request and recommended it for approval.

Ms. Leslie Bremigan, applicant, stated that she and her husband wished to build the unit for her husband's 90-year-old mother so she could maintain her independence and be close to her family.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2020-03-1. Request by Pamela C. Hayes for approval of a use permit for the construction of a tenant unit. The property is located off Route 37 on Gibson Lane in the Stevensburg Magisterial District and contains 2.28 acres. Tax Map/Parcel No. 67/8A.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved subject to the following conditions: (1) The tenant unit to be constructed shall be limited to a maximum of 750 square feet of livable floor space; and (2) the tenant unit is limited to occupancy by an

immediate family member of the property owner or for use as a guesthouse. Rental of the unit is prohibited.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property. He said that while the property was in close proximity to the previous case on Gibson Lane, this case was distinguished from the prior case in that it was zoned R-1 (Residential) with a normal anticipated density of 1 acre per unit. He noted that the parcel was not eligible for a family division and would not qualify for a regular division based on its lack of road frontage. He said the applicant wished to build a unit for his daughter on this property and had provided plans for the second dwelling. He stated that the unit was clearly a smaller subordinate unit to the main dwelling and met the requirements of the tenant unit. He said it was recommended for approval.

Ms. Pamela C. Hayes, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2021-03-1. Request by Jeri Bradley and Al Gage for approval of a use permit for a home occupation. The property is located on Route 1113 in the Cedar Mountain Magisterial District and contains 1.01 acre. Tax Map/Parcel No. 50R(1)/5.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved based upon the following conditions: (1) No more than two interviews may be conducted on any one day; (2) hours shall be limited to 11:00 a.m. to 4:00 p.m., Monday-Saturday; (3) activity shall be limited to taping and editing of video material; and (4) this use permit shall be valid for a period of three (3) years.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property. He said the property was zoned residential which did allow for home occupations with a use permit. He stated that the conditions recommended by the Planning Commission were designed to ensure that the home remained residential, both in appearance and in terms

of activity, and no signage was allowed. He stated there were limits to what could be done, and staff recommended approval with the conditions in place.

Mr. Al Gaige, applicant, stated that over 90 percent of the activity would be done away from the home, and the traffic would be minimal with no impact on the neighbors. He noted that a couple of his neighbors opposed the use, but he had submitted letters of support from his next-door neighbors who would be the most affected. He said at the Planning Commission meeting, concern had been raised regarding the covenants of the neighborhood. He said he obtained a copy of the covenants and discussed them with the individual who actually authored them and who was a member on the Planning Commission. He said that the specific restriction stated that as long as all applicable government regulations were adhered to, they would be free to pursue their vocation as long as it was totally undetectable from outside the structure and there was no significant increase in the flow of traffic within the subdivision. He said they did not plan to have any employees, which was another restriction of the covenants, and they would not utilize more than 25 percent of their home for their studio. He assured the Board that their home was their biggest investment and they did not want to do anything that would jeopardize that. He added that they would be using a telephone and computer, but no towers, etc., since the broadcasting equipment was housed at the Adelphi facility on Alum Springs Road. He asked for the Board to grant their request.

Mr. Coates opened the public hearing and called for public comments.

Mr. Paul Hogan, Cedar Mountain District, spoke in opposition to the application. He stated that did not have any objections with the neighbors running businesses from their homes, but the request involved bringing people into the neighborhood. He pointed out that five individuals spoke against the application at the Planning Commission public hearing, and that represented 40 percent of the community. He noted that the people who supported the request were the applicants' next-door neighbors. He said that although traffic would be minimal, a precedent would be established by allowing people in/out of the home for interviews. He felt that this should be done in a business community, and he asked that the Board deny the application.

Ms. Jayne Crigler, Cedar Mountain District, stated that her backyard was 50 percent adjacent to the property of Mr. Gaige and Ms. Bradley. She asked that the Board not turn their neighborhood into a commercial area. She agreed that the applicants' request might be within the covenants of the subdivision, but asked that the Planning Commission's restrictions be enforced. She questioned allowing the applicants to interview six days a week, when most

people work five days a week. She asked that the use permit not be allowed to convey to any new owners should the applicants sell their property.

Mr. Aaron Greso, West Fairfax District, stated that the limitations placed upon the applicants were ideal, but he felt they would not be enforceable.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase asked whether Mrs. Crigler's concerns were covered by the conditions. Mr. Egertson stated that they were with the exception of condition #3 which allows operation from 11:00 a.m. to 4:00 p.m., Monday through Saturday, and Mrs. Crigler felt the restriction should be Monday through Friday.

Mr. Coates asked Mr. Egertson to address the conveyance of a special use permit in the event the applicants were to sell the property.

Mr. Egertson explained that use permits ran with the land, and if the applicants sold the property to someone who happened to want to do the exact same thing, they could continue to do so within the time limitations. He added that at the end of three years from the date of approval, the individual wishing to operating a business would need to return to the County and go through the use permit process again.

Mr. Coates asked if the use permit could be approved with the stipulation that it would no longer be valid if the applicants were to sell the property. Mr. Egertson stated that under Virginia law, generally land use decisions run with the land and not with the owner, but he did not know of any reason why that could not be a special condition imposed on the permit.

Mr. Lee questioned whether two interviews per day, or approximately 10 to 12 per week, would be sufficient. Mr. Egertson stated that question was asked at the Planning Commission and the applicants were amenable to the limitation although they might have preferred to have more than two per day.

Mr. Coates asked Mr. Egertson if he had any idea how many people operated businesses from their homes. Mr. Egertson stated that he did not, but home occupations were a by-right use in RA and R1 zones.

Mrs. Smith moved, seconded by Mrs. Hansohn, to accept the recommendation of the Planning Commission to approve the use permit with the listed conditions.

Mr. Walker asked whether a fifth condition should be included that the use permit would run with the individuals and not with the property.

Mrs. Smith stated that she did not think it would be necessary since it would need to be renewed in three years.

Mr. Walker thanked the applicants for applying for a home occupation permit and stated he would support the request.

Mr. Lee asked the applicants if they felt the restrictions were reasonable.

Ms. Bradley stated they could live with the restrictions, but would have preferred five interviews in one or two days, rather than stretching them out.

Mr. Coates asked Mrs. Smith to reconsider the use permit restriction in the motion to alleviate the concern of the neighbors.

Mr. Lee suggested a compromise to the motion to change condition #1 to no more than five interviews per week to allow some flexibility.

Mrs. Smith stated she would be willing to offer a compromise to tie the use permit to the owners of the business and to state that no more than 12 interviews would be done per week.

Someone from the audience stated that the neighbors would not approve of that.

Mrs. Smith stated she would leave her original motion on the floor.

Mr. Chase stated that he could not support the motion unless the use permit was tied to the original owners.

Mr. Coates asked the applicants if they would agree that if they were to relocate, the special use permit would no longer be in effect. The applicants stated that would be agreeable.

Mrs. Smith amended the motion to include condition #5, that the use permit would run with the applicants and would not transfer to anyone who might purchase the property in the future. Mrs. Hansohn agreed to the amended motion.

Mr. Lee thanked the citizens for coming in and expressing their views.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2022-03-1. Request by Zachery B. and Teresa P. Green for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 684 in the Stevensburg Magisterial District and contains 59.87 acres. The system is proposed to serve a family division lot. Tax Map/Parcel No. 43/9B.

Mr. McLearn informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for five (5) years subject to the following condition: An easement adequate for a discharge pipe and maintenance thereof must be recorded amongst the land

records of Culpeper County. Such easement shall provide for the discharge to cross tax map/parcel no. 43/9B to a point, which must be approved by the Virginia Department of Health.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property upon which the applicant was requesting the utilization of a package treatment plant to accommodate the creation of a new three-acre division for a family partition. He said the Planning Commission imposed the condition because the discharge point was located on the parent tract and not the three-acre lot to be created. He stated the condition was acceptable to the Health Department and the request was recommended for approval.

Mr. Zachery Green, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and approve the use permit with the condition listed.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2023-03-1. Request by David M. and Virginia K. Wortman for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 630 in the Jefferson Magisterial District and contains 32.32 acres. Tax Map/Parcel No. 21/87.

Mr. McLearn informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for a period of five (5) years.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the 30-plus parcel, which had no traditional drainfield sites. He said the applicants were requesting an alternative type system that was not a typical system that discharges to a stream, but a slow-drip type septic system. He stated that the system would accommodate a single dwelling on the existing parcel, and it was recommended for approval.

Mr. David Wortman, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2024-03-1. Request by James and Audrey Harrell for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 661 in the Stevensburg Magisterial District and contains 2.62 acres. Tax Map/Parcel No. 64/73.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for five (5) years subject to the following condition: An easement adequate for a discharge pipe and maintenance thereof must be recorded amongst the land records of Culpeper County. Such easement shall provide for the discharge to cross tax map/parcel no. 64/18 to a point on Mud Branch, which must be approved by the Virginia Department of Health.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property, which was an existing vacant parcel with no traditional drainfield site. He stated that the applicants wished to construct a single-family dwelling utilizing a package treatment system. He said there was a condition regarding an easement for a discharge since there was no discharge point on the applicants' property. He noted that the adjacent property was family-owned land, and the family member had provided a written concurrence to the easement, and it was recommended for approval.

Mr. James Harrell, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2025-03-1. Request by Michael D. and Mary E. Sauer for approval of a use permit for an agricultural use in a residential zone. The property is located off Route 3 in the Stevensburg Magisterial District and contains 5.4 acres. Tax Map/Parcel No. 67/7.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved based upon the following conditions: (1) A plan for manure management shall be prepared for review and approval by the Culpeper Soil and Water Conservation District and strictly implemented; (2) no more than two (2) horses shall be kept on this property at any time; and (3) any barn or other structures, and any storage of manure, shall be located a minimum of 100 feet from any dwelling.

Mr. Egertson displayed a copy of the tap map highlighting the location of the property. He stated it was residentially zoned which caused the requirement for a use permit in order to keep any type of livestock. He said that pictures had been provided that indicated the property was primarily open pastureland and suitable for keeping a limited number of horses. He said with the conditions suggested by the Planning Commission, it was recommended for approval.

Mr. Michael Sauer, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

Ms. Pam Haynes, Stevensburg District, spoke in support of the application and said she did not have any problems with horses on the adjacent property.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

AMENDMENT TO THE 1999 CULPEPER COUNTY COMPREHENSIVE PLAN, CHAPTER VI. PUBLIC SERVICES FACILITIES

Mr. McLearen informed the Board that the Planning Commission had considered the proposed update of Chapter VI of the Comprehensive Plan and a public hearing was held. He said that the Planning Commission was recommending to the Board of Supervisors that the proposed amendment be adopted.

Mr. Egertson stated that the proposed amendment had been referred to the Planning Commission by the Public Works Committee. He said that the amendment included revisions

to the Chapter that primarily updated information on water and waste water systems in the County, as well as an update on sections addressing solid waste, electricity, natural gas, and telecommunications. He noted that the major portion of public facilities such as schools, fire and rescue, and parks and recreation had been moved to the Chapter VIA, Public Facilities Plan, in January 2000. He said the primary impact of the update was to add a new segment to the chapter on Future Surface Water Impoundments, which incorporates by reference a study that the County had prepared by Wiley and Wilson Engineers entitled "Culpeper County Reservoir Study". He stated that the segment detailed one impoundment that had been determined to be the most feasible, i.e., a site along Muddy Run, east of Route 229 between Routes 630 and 625. He added that the dam for that impoundment was proposed for west of Route 625. He reminded the Board that this was a long term plan, but the goal of incorporating it into the Comprehensive Plan was to help the County make proper land use decisions which would result in not overbuilding the area such that development of a surface water impoundment in the future might become infeasible. He stated that the amendment was recommended to the Board for approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation.

Mrs. Hansohn stated that with the recent drought, the County needed to plan for the future.

Mr. Lee thanked the Public Works Committee and staff for their work on the plan.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Smith moved, seconded by Mrs. Hansohn, to adjourn at 8:35 p.m.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman
Culpeper County Board of Supervisors

ATTEST:

Frank T. Bossio
Clerk to the Board

APPROVED: October 7, 2003

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY,
SEPTEMBER 2, 2003.

Board Members Present: John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Brad C. Rosenberger
Carolyn S. Smith

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 pm.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda. He asked those individuals, who would be addressing the Board, to limit their comments to three minutes.

Ms. Kay Kirkland, East Fairfax District and member of the Humane Society Board of Directors, addressed the Board regarding recent issues at the Animal Shelter. She discussed in detail the behavior, management and direction at the Animal Services Department and stated that she felt that Department was failing County government and the taxpayers.

Mr. Coates announced that representatives from the Humane Society appeared before the Board of Supervisors at its morning meeting and the Board referred the matter to the Rules Committee.

Ms. Elizabeth (last name inaudible), Jefferson District, expressed concern with the present management at the Animal Shelter and felt that management should be reviewed and changed. She offered to work with the Board of Supervisors in an effort to resolve the problems and asked the Board to familiarize themselves on animal welfare issues. She felt that an Advisory Committee, chartered and appointed by the Board, would be beneficial to address and resolve animal welfare issues, and the committee should include a cross section of the community. She referenced a question asked by Mr. Chase at the morning session regarding why the Humane Society had not come to the Board of Supervisors first before going to the newspaper. She stated that it was not important how the incident was publicized, but it was of wide interest as evidenced by the number of individuals present. She reviewed the visits by the State Veterinarian to the Animal Shelter over a three-month period and stated that suggested improvements had not been done.

Mr. Aaron Greso, West Fairfax, asked that a copy of the Zoning Ordinance be placed in the County Library for public use. He stated that he had developed a plan that would assess the issues at the Animal Shelter and address how to proceed.

Ms. Denise Masters, Jefferson District, stated she felt there were some necessary rebuttals to Mr. Bossio's comments made at the conclusion of last month's Citizen Forum. She said that the numbers used by Mr. Bossio seemed to be overwhelming, but they showed that the adoption percentage rate for the County was very high. She addressed the design of the Animal Shelter and pointed out that it had not been approved by The Humane Society of the United States, but was designed with guidelines that were very general and not specific. She stated that in her recent conversation with Dr. Kellner, Virginia Regional Veterinarian, she learned that Dr. Kellner did not approve nor disapprove of the Shelter plans. She further stated there were not 78 dogs in the Shelter at the time of the euthanasia incident, but that there were 78 dogs on the books. She noted there were not any written warnings from Dr. Kellner regarding overcrowding and penalties in association with overcrowding, but there were only warnings about the cracks and pallets.

Faith Beahm, East Fairfax, stated that she felt the Animal Shelter was not being properly managed and the problem should not be ignored. She related to the Board several negative comments she had heard from various sources regarding the Animal Shelter.

Tom Lewis asked for the names of the members of the Rules Committee so comments could be made directly to them.

Mr. Coates asked Mr. Walker to identify the individuals that sat on the Committee. Mr. Walker responded that he served as Chairman and Mr. Coates and Mr. Chase were members of the Committee.

With no further comments, Mr. Coates closed the Citizen Forum at 7:18 p.m.

Mr. Coates called for recess at 7:20 p.m.

Mr. Coates called the meeting back to order at 7:21 p.m.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mr. Walker moved, seconded by Mr. Lee, to approve the agenda as published.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

PUBLIC HEARINGS

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN ORDINANCE TO ADD CHAPTER 10-B, TO BE ENTITLED "PARKS AND RECREATION" TO THE COUNTY CODE

Mr. John Barrett, Director of Parks & Recreation, informed the Board that the purpose of the policy was to offer park facilities and other amenities to the public for safe, wholesome and enjoyable activities pursuant to policies, rules and regulations that would assist the implementation of the intent and to ensure the benefits to the general public.

Mr. Maddox, County Attorney, said the proposed ordinance had been properly advertised and was ready for Board consideration.

Mr. Coates opened the public hearing and called for public comments.

There were none.

Mr. Lee moved, seconded by Mrs. Hansohn, to approve the Ordinance to add Chapter 10-B, "Parks and Recreation", to the County Code.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 12 (TAXATION) TO BE ENTITLED "PARTNERSHIP FOR ECONOMIC DEVELOPMENT AND JOB TRAINING" TO THE COUNTY CODE

Mr. Frank Bossio, County Administrator, said that the purpose of the proposed ordinance was to provide financial incentives to eligible businesses that invest at least \$500,000 in new capital improvements and/or equipment to provide qualifying employee training expenses. He stated that incentives would originate from a portion of the new taxes paid on the improvement of the equipment purchase. He said the proposed ordinance was developed in coordination with the Chamber of Commerce and a number of businesses in the community.

Mr. Coates opened the public hearing and called for public comments.

Mr. Todd Ross, representing the Chamber of Commerce and the Business Development and Assistance Committee, read a letter into record supporting the proposed ordinance. The Committee felt the proposed ordinance would be an incentive to generate additional income for the County, would not reduce existing revenue, and would benefit businesses and their employees by providing additional training. He said that the Committee offered the following suggestions for future consideration: (1) Expand Section 12-186, Eligible Training Expenses, to include additional training expenses pertinent to existing businesses operating in the County, which would eliminate the need for businesses to spend valuable time waiting for approval for reimbursement for an unlisted training expense; and (2) utilize the County Economic Development Advisory Committee in the application review process. He said that the adoption of the ordinance would be a good start toward providing opportunities for new businesses to locate in the area and for existing businesses to prosper and be successful. He thanked the Board on behalf of the Chamber for its continued effort in making Culpeper the business community of choice in Virginia and encouraged the Board to adopt the proposed ordinance.

With no further public comments, Mr. Coates closed the public hearing.

Mrs. Hansohn commented that not only would this action be an enticement to new businesses to locate in the County, but it would also provide training for citizens who would not ordinarily receive training.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the proposed ordinance.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

CASE NO. Z-384-03-1. Request by Angler Broadlands, LLC to rezone 17.63 acres from R-3 (Residential) to VC (Village Center Commercial). The property is located on Routes 694 and

229 in the Catalpa Magisterial District. The Culpeper County Comprehensive Plan designates this area for low-density residential development. Tax Map/Parcel No. 41/54F.

Mr. Sam McLearen, Zoning Administrator, read a letter into record from the applicant requesting a 30-day postponement to allow time to further review the request.

Mr. John Egertson, Planning Director, displayed a copy of the tax map highlighting the location of the property of the proposed zoning and stated that the package included proffers. Staff had no objections to the postponement and recommended that the Board honor the applicant's request and postpone for 30 days.

Mr. Butch Davies, Attorney representing the applicant, reported that his discussions with Dr. Cox and the impact the request would have on the area led to the request for postponement. He said his applicant agreed with the postponement.

Mr. Coates said that since the case had been advertised for a public hearing, he would open the public hearing and call for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mrs. Smith, to approve the request and postpone the request for thirty (30) days.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. Z-385-03-1. Request by Leroy and Ronda Byler to rezone 10 acres from A-1 (Agricultural) to LI (Light Industrial). The property is located on Route F715 in the Stevensburg Magisterial District. Tax Map/Parcel Nos. 34/69, 70, 70A, 70C.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the request to be consistent with the Comprehensive Plan. He said that the Planning Commission was recommending to the Board of Supervisors that the rezoning request be approved in accordance with the proffers submitted.

Mr. Egertson displayed a copy of the tax map that highlighted the property being considered for rezoning and informed the Board that two parcels east of the property were zoned commercial. He said the Planning Commission had considered the request and delayed one time pending the results of a traffic study. The traffic study was completed and VDOT has recommended approval along with the following proffers:

1. The existing four parcels will be reconfigured so that no single parcel will contain more than one zoning classification within its boundaries;
2. Site development on the 10.0 acres of LI zoning shall incorporate Virginia Department of Transportation requirements for commercial entrances;
3. Development of the 10.00 acres of LI zoning shall comply with Article 30 of the Culpeper County Code (Entrance Corridor Overlay District); and
4. The permitted uses under Article 7.1A-2-2.3 and the conditional uses under Article 7.1A-2-3.6 shall not be allowed on the 10.00 acres of LI zoning.

Mr. Egertson informed the Board that the applicant's intent was to use the property for a mini-warehouse storage and the property was located on a service road off Route 29 in an area designated for industrial development. He stated that the request was recommended for approval with the proffers and was ready for the Board's consideration.

Mr. Leroy Byler, applicant, asked for the Board's favorable consideration.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2012-03-1. Request by Pete and Jane Elliott for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 675 in the Stevensburg Magisterial District and contains 2.17 acres. Tax Map/Parcel No. 44/16F.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be inconsistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be denied.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property being considered. He informed the Board that the parcel was small, containing only 2.17 acres, and had an existing structure located on the property. He said the structure had been constructed without a building permit and did not have a drainfield or a drainfield site that could

be approved by the Health Department. The application was for an alternative-type system, but the site did not have an adequate discharge point, and was recommended for denial.

No one was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and deny the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2016-03-1. Request by John Leary for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 647 in the Cedar Mountain Magisterial District and contains 81.31 acres. The system is proposed to serve a five (5) acre family division lot. Tax Map/Parcel No.75/22D.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for a period of five (5) years.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property being considered. He explained that the request would permit the creation of a five-acre family-division lot based on a discharging system, and the five-acre lot would have direct access to an acceptable stream site. He stated that system had been verified by the Health Department, and the request was recommended for approval.

John Leary, applicant, was present to represent his case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mrs. Hansohn, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2017-03-1. Request by Michael and Kathy Garrett for approval of a use permit for the construction of a tenant unit. The property is located off Route 37 on Gibson Lane in the Stevensburg Magisterial District and contains 6.00 acres. Tax Map/Parcel No. 66B(1)/1.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be inconsistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be denied.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the six-acre parcel recently created via family division. He said the applicants would like to create another family partition to accommodate one of their daughters, which could rightfully be done under the Code. He said the request was for a tenant unit, which would allow an additional dwelling for another daughter – accommodating one daughter through a regular family division and one through the use permit process. He noted that the Planning Commission's objection was based upon the fact that only three lots could be created every five years under the County Code. He said the tenant unit would allow for a fourth house, and could potentially be divided after the five-year waiting period. He said that both the Planning Commission and staff believed that to allow the fourth house immediately would be a circumvention of the Ordinance, and it was for that reason it was recommended for denial.

Mrs. Hansohn inquired if at sometime in the future, after a certain waiting period, the applicant could develop the lot more. Mr. Egertson replied that they could do another division after five years.

Mr. Michael Garrett, applicant, informed the Board that he and his wife were trying to get the family together. He said that he bought the six-acre parcel from his son one year ago, and now their daughters would like to reside on the property. He stated that there was no medical emergency, and stressed that he did not intend to give the impression that he was trying to circumvent the law. He said he and his wife were going to build a house for one daughter on their land, and their son was going to sell a parcel of land to the other daughter. He agreed that there would be three houses going up within a short period of time. He asked for the Board's assistance.

Mr. Coates opened the public hearing and called for public comments.

Aaron Greso, West Fairfax, asked whether the request was for three houses on six acres. Mr. Coates advised him that his inquiry would be addressed after the public hearing.

With no further comments, Mr. Coates closed the public hearing.

Mr. Egertson informed Mr. Greso that the parent tract was bought by the applicants' son originally as one parcel, and the son created a six-acre parcel upon which Mr. and Mrs. Garrett built their house. He pointed out that the Garretts intended to create another parcel for one daughter from the son's parcel, creating a total of three lots off the parent tract, which was the limit within a five-year period. He said that the fourth house would then come off a separate tract, resulting in two houses on approximately six acres and two houses on approximately 12.4 acres.

Mr. Chase stated that he did not see a problem in approving the request and cited numerous problems he was having in his District with industrial activities in residential areas. He said he would support the applicants' request in order to get their family together.

Mr. Chase moved, seconded by Mr. Walker, to approve the use permit to allow for the construction of a tenant unit.

Mrs. Hansohn stated that the County had ordinances in place that should be followed. She felt that once the Board waived these rules for one, it would have to do so for all. She pointed out there was no medical hardship involved, and she could not support the request.

Mr. Coates stated that he sympathized with the family, but he could not support the case. He said that he agreed with Mrs. Hansohn's comments and noted that exceptions were made for hardship cases.

Mr. Rosenberger concurred with Mr. Coates' comments. He stated that one of the reasons the change was made in the ordinance was because so many people were creating substandard subdivisions under the family partition ordinance.

Mr. Coates called for voice vote.

Ayes - Chase, Lee, Walker

Nays – Coates, Hansohn, Rosenberger, Smith

Motion failed 4 to 3.

Mr. Rosenberger moved, seconded by Mrs. Hansohn, to accept the Planning Commission's recommendation to deny the use permit.

Mr. Coates called for voice vote.

Ayes -Coates, Hansohn, Rosenberger, Smith

Nays – Chase, Lee, Walker

Motion passed 4 to 3.

Mr. Chase questioned whether a motion to approve was necessary under Robert's Rules of Order. Mr. Maddox stated that he recommended to the Chairman that the second

motion be made. He did not know if it was necessary, but he did feel that it was appropriate in this case.

CASE NO. U-2018-03-1. Request by Michael and Leslie Bremigan for approval of a use permit for the construction of a tenant unit. The property is located on Route 613 in the Jefferson Magisterial District and contains 13.48 acres. Tax Map/Parcel No. 2/23C.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved subject to the following conditions: (1) The livable floor space in the tenant unit shall not exceed 75 percent of the square footage in the primary dwelling; and (2) the unit may be occupied by an immediate family member of the property owner or may be utilized as a guesthouse. Rental of the unit is prohibited.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property. He stated the property was zoned residentially and the applicant planned to build a second dwelling on the approximately 13-acre parcel to accommodate a parent. He stated the unit would be built to the rear of the parcel, and the applicant did not desire to subdivide, although that would be an option. He said that staff found no problems with the request and recommended it for approval.

Ms. Leslie Bremigan, applicant, stated that she and her husband wished to build the unit for her husband's 90-year-old mother so she could maintain her independence and be close to her family.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2020-03-1. Request by Pamela C. Hayes for approval of a use permit for the construction of a tenant unit. The property is located off Route 37 on Gibson Lane in the Stevensburg Magisterial District and contains 2.28 acres. Tax Map/Parcel No. 67/8A.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved subject to the following conditions: (1) The tenant unit to be constructed shall be limited to a maximum of 750 square feet of livable floor space; and (2) the tenant unit is limited to occupancy by an immediate family member of the property owner or for use as a guesthouse. Rental of the unit is prohibited.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property. He said that while the property was in close proximity to the previous case on Gibson Lane, this case was distinguished from the prior case in that it was zoned R-1 (Residential) with a normal anticipated density of 1 acre per unit. He noted that the parcel was not eligible for a family division and would not qualify for a regular division based on its lack of road frontage. He said the applicant wished to build a unit for his daughter on this property and had provided plans for the second dwelling. He stated that the unit was clearly a smaller subordinate unit to the main dwelling and met the requirements of the tenant unit. He said it was recommended for approval.

Ms. Pamela C. Hayes, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2021-03-1. Request by Jeri Bradley and Al Gaige for approval of a use permit for a home occupation. The property is located on Route 1113 in the Cedar Mountain Magisterial District and contains 1.01 acre. Tax Map/Parcel No. 50R(1)/5.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved based upon the following conditions: (1) No more than two interviews may be conducted on any one day; (2)

hours shall be limited to 11:00 a.m. to 4:00 p.m., Monday-Saturday; (3) activity shall be limited to taping and editing of video material; and (4) this use permit shall be valid for a period of three (3) years.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property. He said the property was zoned residential which did allow for home occupations with a use permit. He stated that the conditions recommended by the Planning Commission were designed to ensure that the home remained residential, both in appearance and in terms of activity, and no signage was allowed. He stated there were limits to what could be done, and staff recommended approval with the conditions in place.

Mr. Al Gaige, applicant, stated that over 90 percent of the activity would be done away from the home, and the traffic would be minimal with no impact on the neighbors. He noted that a couple of his neighbors opposed the use, but he had submitted letters of support from his next-door neighbors who would be the most affected. He said at the Planning Commission meeting, concern had been raised regarding the covenants of the neighborhood. He said he obtained a copy of the covenants and discussed them with the individual who actually authored them and who was a member on the Planning Commission. He said that the specific restriction stated that as long as all applicable government regulations were adhered to, they would be free to pursue their vocation as long as it was totally undetectable from outside the structure and there was no significant increase in the flow of traffic within the subdivision. He said they did not plan to have any employees, which was another restriction of the covenants, and they would not utilize more than 25 percent of their home for their studio. He assured the Board that their home was their biggest investment and they did not want to do anything that would jeopardize that. He added that they would be using a telephone and computer, but no towers, etc., since the broadcasting equipment was housed at the Adelphi facility on Alum Springs Road. He asked for the Board to grant their request.

Mr. Coates opened the public hearing and called for public comments.

Mr. Paul Hogan, Cedar Mountain District, spoke in opposition to the application. He stated that did not have any objections with the neighbors running businesses from their homes, but the request involved bringing people into the neighborhood. He pointed out that five individuals spoke against the application at the Planning Commission public hearing, and that represented 40 percent of the community. He noted that the people who supported the request were the applicants' next-door neighbors. He said that although traffic would be minimal, a precedent would be established by allowing people in/out of the home for interviews. He felt

that this should be done in a business community, and he asked that the Board deny the application.

Ms. Jayne Crigler, Cedar Mountain District, stated that her backyard was 50 percent adjacent to the property of Mr. Gaige and Ms. Bradley. She asked that the Board not turn their neighborhood into a commercial area. She agreed that the applicants' request might be within the covenants of the subdivision, but asked that the Planning Commission's restrictions be enforced. She questioned allowing the applicants to interview six days a week, when most people work five days a week. She asked that the use permit not be allowed to convey to any new owners should the applicants sell their property.

Mr. Aaron Greso, West Fairfax District, stated that the limitations placed upon the applicants were ideal, but he felt they would not be enforceable.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase asked whether Mrs. Crigler's concerns were covered by the conditions. Mr. Egertson stated that they were with the exception of condition #3 which allows operation from 11:00 a.m. to 4:00 p.m., Monday through Saturday, and Mrs. Crigler felt the restriction should be Monday through Friday.

Mr. Coates asked Mr. Egertson to address the conveyance of a special use permit in the event the applicants were to sell the property.

Mr. Egertson explained that use permits ran with the land, and if the applicants sold the property to someone who happened to want to do the exact same thing, they could continue to do so within the time limitations. He added that at the end of three years from the date of approval, the individual wishing to operating a business would need to return to the County and go through the use permit process again.

Mr. Coates asked if the use permit could be approved with the stipulation that it would no longer be valid if the applicants were to sell the property. Mr. Egertson stated that under Virginia law, generally land use decisions run with the land and not with the owner, but he did not know of any reason why that could not be a special condition imposed on the permit.

Mr. Lee questioned whether two interviews per day, or approximately 10 to 12 per week, would be sufficient. Mr. Egertson stated that question was asked at the Planning Commission and the applicants were amenable to the limitation although they might have preferred to have more than two per day.

Mr. Coates asked Mr. Egertson if he had any idea how many people operated businesses from their homes. Mr. Egertson stated that he did not, but home occupations were a by-right use in RA and R1 zones.

Mrs. Smith moved, seconded by Mrs. Hansohn, to accept the recommendation of the Planning Commission to approve the use permit with the listed conditions.

Mr. Walker asked whether a fifth condition should be included that the use permit would run with the individuals and not with the property.

Mrs. Smith stated that she did not think it would be necessary since it would need to be renewed in three years.

Mr. Walker thanked the applicants for applying for a home occupation permit and stated he would support the request.

Mr. Lee asked the applicants if they felt the restrictions were reasonable.

Ms. Bradley stated they could live with the restrictions, but would have preferred five interviews in one or two days, rather than stretching them out.

Mr. Coates asked Mrs. Smith to reconsider the use permit restriction in the motion to alleviate the concern of the neighbors.

Mr. Lee suggested a compromise to the motion to change condition #1 to no more than five interviews per week to allow some flexibility.

Mrs. Smith stated she would be willing to offer a compromise to tie the use permit to the owners of the business and to state that no more than 12 interviews would be done per week.

Someone from the audience stated that the neighbors would not approve of that.

Mrs. Smith stated she would leave her original motion on the floor.

Mr. Chase stated that he could not support the motion unless the use permit was tied to the original owners.

Mr. Coates asked the applicants if they would agree that if they were to relocate, the special use permit would no longer be in effect. The applicants stated that would be agreeable.

Mrs. Smith amended the motion to include condition #5, that the use permit would run with the applicants and would not transfer to anyone who might purchase the property in the future. Mrs. Hansohn agreed to the amended motion.

Mr. Lee thanked the citizens for coming in and expressing their views.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2022-03-1. Request by Zachery B. and Teresa P. Green for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 684 in the Stevensburg Magisterial District and contains 59.87 acres. The system is proposed to serve a family division lot. Tax Map/Parcel No. 43/9B.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for five (5) years subject to the following condition: An easement adequate for a discharge pipe and maintenance thereof must be recorded amongst the land records of Culpeper County. Such easement shall provide for the discharge to cross tax map/parcel no. 43/9B to a point, which must be approved by the Virginia Department of Health.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property upon which the applicant was requesting the utilization of a package treatment plant to accommodate the creation of a new three-acre division for a family partition. He said the Planning Commission imposed the condition because the discharge point was located on the parent tract and not the three-acre lot to be created. He stated the condition was acceptable to the Health Department and the request was recommended for approval.

Mr. Zachery Green, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and approve the use permit with the condition listed.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2023-03-1. Request by David M. and Virginia K. Wortman for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 630 in the Jefferson Magisterial District and contains 32.32 acres. Tax Map/Parcel No. 21/87.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said

that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for a period of five (5) years.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the 30-plus parcel, which had no traditional drainfield sites. He said the applicants were requesting an alternative type system that was not a typical system that discharges to a stream, but a slow-drip type septic system. He stated that the system would accommodate a single dwelling on the existing parcel, and it was recommended for approval.

Mr. David Wortman, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2024-03-1. Request by James and Audrey Harrell for approval of a use permit for a package sewage treatment system for a single-family dwelling. The property is located on Route 661 in the Stevensburg Magisterial District and contains 2.62 acres. Tax Map/Parcel No. 64/73.

Mr. McLearn informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for five (5) years subject to the following condition: An easement adequate for a discharge pipe and maintenance thereof must be recorded amongst the land records of Culpeper County. Such easement shall provide for the discharge to cross tax map/parcel no. 64/18 to a point on Mud Branch, which must be approved by the Virginia Department of Health.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property, which was an existing vacant parcel with no traditional drainfield site. He stated that the applicants wished to construct a single-family dwelling utilizing a package treatment system. He said there was a condition regarding an easement for a discharge since there was no discharge point on the applicants' property. He noted that the adjacent property was family-

owned land, and the family member had provided a written concurrence to the easement, and it was recommended for approval.

Mr. James Harrell, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2025-03-1. Request by Michael D. and Mary E. Sauer for approval of a use permit for an agricultural use in a residential zone. The property is located off Route 3 in the Stevensburg Magisterial District and contains 5.4 acres. Tax Map/Parcel No. 67/7.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved based upon the following conditions: (1) A plan for manure management shall be prepared for review and approval by the Culpeper Soil and Water Conservation District and strictly implemented; (2) no more than two (2) horses shall be kept on this property at any time; and (3) any barn or other structures, and any storage of manure, shall be located a minimum of 100 feet from any dwelling.

Mr. Egertson displayed a copy of the tap map highlighting the location of the property. He stated it was residentially zoned which caused the requirement for a use permit in order to keep any type of livestock. He said that pictures had been provided that indicated the property was primarily open pastureland and suitable for keeping a limited number of horses. He said with the conditions suggested by the Planning Commission, it was recommended for approval.

Mr. Michael Sauer, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

Ms. Pam Haynes, Stevensburg District, spoke in support of the application and said she did not have any problems with horses on the adjacent property.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

AMENDMENT TO THE 1999 CULPEPER COUNTY COMPREHENSIVE PLAN, CHAPTER VI.
PUBLIC SERVICES FACILITIES

Mr. McLearen informed the Board that the Planning Commission had considered the proposed update of Chapter VI of the Comprehensive Plan and a public hearing was held. He said that the Planning Commission was recommending to the Board of Supervisors that the proposed amendment be adopted.

Mr. Egertson stated that the proposed amendment had been referred to the Planning Commission by the Public Works Committee. He said that the amendment included revisions to the Chapter that primarily updated information on water and waste water systems in the County, as well as an update on sections addressing solid waste, electricity, natural gas, and telecommunications. He noted that the major portion of public facilities such as schools, fire and rescue, and parks and recreation had been moved to the Chapter VIA, Public Facilities Plan, in January 2000. He said the primary impact of the update was to add a new segment to the chapter on Future Surface Water Impoundments, which incorporates by reference a study that the County had prepared by Wiley and Wilson Engineers entitled "Culpeper County Reservoir Study". He stated that the segment detailed one impoundment that had been determined to be the most feasible, i.e., a site along Muddy Run, east of Route 229 between Routes 630 and 625. He added that the dam for that impoundment was proposed for west of Route 625. He reminded the Board that this was a long term plan, but the goal of incorporating it into the Comprehensive Plan was to help the County make proper land use decisions which would result in not overbuilding the area such that development of a surface water impoundment in the future might become infeasible. He stated that the amendment was recommended to the Board for approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation.

Mrs. Hansohn stated that with the recent drought, the County needed to plan for the future.

Mr. Lee thanked the Public Works Committee and staff for their work on the plan.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Smith moved, seconded by Mrs. Hansohn, to adjourn at 8:35 p.m.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman
Culpeper County Board of Supervisors

ATTEST:

Frank T. Bossio
Clerk to the Board

APPROVED: October 7, 2003